

BY-LAW NO. 2021 - 176

A by-law of the City of Ottawa to amend By-law No. 2004-276 being a by-law of the City of Ottawa to regulate and to promote responsible enjoyment and use of parks and facilities.

The Council of the City of Ottawa enacts as follows:

1. By-law No. 2004-276 entitled “A by-law of the City of Ottawa to regulate and to promote responsible enjoyment and use of parks and facilities”, as amended, is amended by deleting the phrase “his or her” wherever it appears and substituting the word “their” therefore.

2. Section 1 of the said By-law No. 2004-276 is amended by:

- a) repealing the definitions of “boat”, and “old municipality”;
- b) repealing the definition of “facility” and substituting the following definition therefore:

“facility” means any area, pool, building or structure in a park under the jurisdiction of the Recreation, Cultural and Facility Services Department of the City of Ottawa, including but not limited to recreation centres, recreation complexes, community buildings, sports facilities, museums, theaters, arts centers, galleries, public art installations, and artist studios;

- c) repealing the definition of “park” and substituting the following definition therefore:

“park” means playground, playing field, ball diamond, sports field, beach including but not limited to the area of the water under the control or supervision of the City, the lands surrounding a recreation center, community building, recreation complex, and municipal administration site, including outdoor theater space, square or plaza, garden, water, pedestrian walkway or any other area owned, leased or used by the City and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto;

- d) adding the following definitions:

“remotely piloted aircraft or drone” means a navigable aircraft, other than a balloon, rocket or kite, that is operated by a pilot that is not on board;

“motorized boat” means a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, propelled by a motor;

“self-propelled boat” means a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, propelled by a muscle-power;

3. The said By-law No. 2004-276, as amended, is further amended, by repealing Section 3 and substituting the following Section therefore:

3. HOURS OF OPERATION

- (1) No person shall:
 - a) remain or enter into any park between 2300 and 0500 hours, except as a participant or spectator of a function approved by the General Manager;
 - b) remain in the park upon completion of an activity as a participant or spectator of any function between 2300 and 0500 hours; or
 - c) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
- (2) Despite subsection (1), where the hours of operation in a park are posted and differ from those in subsection (1), no person shall remain or enter into the park outside of the posted hours provided that the posted hours are no later than 2300 hours or earlier than 0500 hours.
- (3) Where the posted hours are later than 2300 hours or earlier than 0500 hours, clauses (a) and (b) of subsection (1) shall apply.
- (4) Despite subsections (1), (2) and (3), the General Manager may, at any time and at their discretion, provide permission for any person or group to remain or enter into a park outside of the posted hours.
- (5) Despite subsections (1), (2) and (3), the General Manager may, at any time and at their discretion,

close or revise the hours of operation of all or individual parks in response to an emergency, regulatory requirement, special circumstances, safety and security concerns, or operational requirement.

4. Section 5 of the said By-law No. 2004-276 is further amended by repealing subsections (2)(c), (3), (4), (6), and (8) and substituting the following therefore:

- (2) (c) use any sports field with artificial turf between the 15th day of November and the 31st day of March of any year;
- (3) Despite subsection (2), the General Manager, in consultation with the General Manager of Public Works and Environmental Services Department may, at their discretion, amend the dates on which a ball diamond and sports field may be used, on the basis of the ground conditions of the ball diamond or sports field.
- (4) Despite subsection (2) the General Manager, in consultation with the General Manager of Public Works and Environmental Services Department may, at their discretion, restrict or permit access, at any time and to any one ball diamond or sports field, on the basis of the ground conditions of the ball diamond or sports field.
- (4.1) Subject to subsections (3) and (4), no person shall use or access a ball diamond or sports field to which access has been restricted by the General Manager.
- (6) Despite clause (b) of subsection (2), no person shall access or use sports fields for winter activities during the winter months unless,
 - a) the ground is snow covered;
 - b) the site is not altered; and
 - c) there is no damage to the field.
- (8) No person shall use an acrylic paved court without wearing appropriate footwear.

5. Subsection 7(1) of the said By-law No. 2004-276 is amended by:
- a) adding the phrase “or facility,” immediately following the phrase “No person shall, in a park”.
 - b) adding the phrase “and in accordance with the Open Air Fire By-law No. 2004-163, as amended, or any successor by-law;” to paragraph (h) immediately following the phrase “provided by the City;”.

- c) repealing paragraph (j) and substituting the following therefore:
 - j) convene, conduct, or participate in any organized team sport;
- d) repealing paragraph (m) and substituting the following therefore:
 - m) hold a special event as defined by the Special Events By-law No. 2013-232, as amended, or any successor by-law;
- e) adding the following paragraphs immediately following paragraph (m):
 - n) operate a remotely piloted aircraft or drone;
 - o) Take, or permit to be taken for remuneration, any film, photograph, videotape, or television broadcast other than in accordance with Ottawa Film By-law No. 2020-164, as amended.

6. Subsection 7(8) of the said By-law No. 2004-276 is amended by deleting the phrase “, in any special event held in a park or its facilities,”.

7. Section 8 of the said By-law No. 2004-276 is repealed and the following substituted therefore:

8. ENCROACHMENT

No person shall cause or permit:

- a) planting of any hedge, tree, shrub, garden or plant of any kind;
- b) construction of any fence, storage shed, retaining wall, pool or other structure of any kind;
- c) keeping of any composting receptacle or pile; or
- d) placing of any string, wire, chain, rope or similar material, on park property.

8. Subsection 9(2) of the said by-law 2004-276 is amended by adding the phrase “deface, alter,” immediately following the word “damage”.

9. Paragraph (b) of subsection 9(2) of the said by-law 2004-276 is amended by adding the phrase “public art,” immediately following “monument”.

10. Subsection 9(5) of the said By-law 2004-276 is repealed and the following substituted therefore:

- (5) No person shall, in a park:
 - (a) leave or deposit any waste except in a receptacle provided for that purpose;
 - (b) deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park;
 - (c) erect a permanent or temporary monument or memorial except in areas approved by the General Manager;
 - (d) despite clause (c) for subsection 5, where such a monument or memorial has been erected, it shall not remain for a period greater than six (6) months;
 - (e) bring household waste to a park for the purpose of depositing in City of Ottawa-maintained waste receptacles;
 - (f) scatter any paper, cardboard, or any other material;
 - (g) scatter any cremated remains except in areas designated by, and with the approval of the General Manager, in consultation with the General Manager of the Public Works and Environmental Services Department; or
 - (h) undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the General Manager, in consultation with the General Manager of Public Works and Environmental Services Department.

11. Subsection 9(6) of the said By-law 2004-276 is repealed and the following substituted therefore:

- (6) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, or in any ravine, slope, or other land access way to a park, except with the written consent of the General Manager, in consultation with the General Manager or the Public Works and Environmental Services Department.

12. Subsection 9(8) of the said By-law 2004-276 is repealed and the following substituted therefore:

(8) No person shall:

- (a) transport across, launch, beach or operate a motorized boat in any park except in areas of a park specified for such purposes and authorized by the General Manager;
- (b) transport across, launch, beach or operate a self-propelled boat in areas prohibited by the General Manager;

13. Section 9 of the said By-law 2004-276 is amended by adding the following subsection (9) immediately following subsection (8):

(9) No person shall fish in areas of a park where this activity has been prohibited by General Manager, including supervised beaches.

14. Section 10 of the said By-law No. 2004-276 is amended by adding the following subsection (2) immediately following subsection (1):

(2) No person shall ice skate in an area not designated for that purpose by the General Manager.

15. Section 12 of the said By-law No. 2004-276 is amended by adding the following subsection (3) immediately following subsection (2):

(3) Subsections (1) and (2) shall not apply to normal noise of park activity.

16. Subsection 13(1) of the said By-law No. 2004-276 is repealed and the following is substituted therefore:

(1) The General Manager may, at any time and at their discretion, temporarily or permanently close to the public a park, a portion of a park, or a building in a park, due to inclement weather, in response to an emergency or other special circumstances deemed appropriate by the General Manager.

17. This by-law comes into force and takes effect upon enactment.

ENACTED AND PASSED this 26th day of May 2021.

DEPUTY CITY CLERK

MAYOR

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Enacted by City Council at its meeting of
May 26, 2021

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COUNCIL AUTHORITY:
City Council – May 26, 2021
Agenda Item 4
CPSC report 19